HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6363 of 2001

Dated 24th August, 2007

Between

Smt. K. Sailaja

…Petitioner

and

The Urban Land Ceiling Authority, Visakhapatnam and anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6363 of 2001

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in trying to demolish the house property of the petitioner bearing No.39-21 in an extent of 166 square yards, situate in T.S.No. 29/1B2.Part, of Madhavadhara in Visakhapatnam, as illegal and arbitrary.

It is the case of the petitioner that she had purchased the above said house property by two registered sale deeds dated 15-4-1999 and 26-10-1999 for Rs.1,00,000/- and Rs.25,000/- respectively, from its earlier owner. It is stated that at the time of purchase, the petitioner also obtained permission from the Urban Land Ceiling authority as required under the Urban Land (Ceiling and Regulation) Act 1976, vide proceedings dated 23-10-1999. It is the grievance of the petitioner that the said house property is not hit by the provisions of the Urban

Land (Ceiling and Regulation) Act 1976t, and, in spite of the same, the respondents came to her site on 31-3-2001 and without any notice, tried to demolish the house property illegally.

At the stage of admission, this Court by order dated 6-4-2001 directed the respondents not to demolish the said house property, and, the said order continued all along.

Though the Writ Petition is of the year 2001, no counter affidavit is filed .

It is the case of the petitioner that she had purchased the said house property by two registered sale deeds dated 15-4-1999 and 26-10-1999 for Rs.1,00,000/- and Rs.25,000/- respectively, from its earlier owner, one Sri Kurakula Chittibabu. The averment of the petitioner that no notice was issued before taking steps for demolition of the said house property is not controverted by the respondents by filing any counter affidavit. In that view of the matter, I dispose of the Writ petition directing the respondents not to interfere with the house property of the petitioner bearing No.39-21 in an extent of 166 square yards situate in T.S.No. 29/1B2.Part, of Madhavadhara in Visakhapatnam. It is made clear that if the said property of the petitioner is part of the excess land pursuant to the orders passed by the competent authority, It is open for the respondents to issue notice and take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-8-2007
Msnr.